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9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiff,

16 v.

17 POWER VENTURES, INC., a Cayman Island
corporation; STEVE VACHANI, an individual;
18 DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,

19 Defendants.
20

Case No. 5:08-cv-05780 JW

**DECLARATION OF MONTE COOPER
IN SUPPORT OF STIPULATION AND
[PROPOSED] ORDER ENLARGING
TIME PURSUANT TO CIVIL LOCAL
RULE 6-2**

Dept: Hon. James Ware
Judge: 15, 18th Floor

1 I, Monte Cooper, hereby declare and state as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 **A. The Reasons For The Parties' Mutual Request For Enlargement Of Time**

7 1. On February 16, 2012, this Court ordered the parties to submit, by March 2, 2012,
8 supplemental briefing on two topics related to the Court's order granting Facebook's Motions for
9 Summary Judgment. Dkt. No. 276. The two topics subject to supplemental briefing concern the
10 amount of damages to which Facebook is entitled, and Defendant Steve Vachani's individual
11 liability. *Id.* at 19.

12 2. Meanwhile, on February 24, 2012, Magistrate Judge Spero resolved three pending
13 discovery motions in Facebook's favor. Dkt. No. 279. As part of his discovery ruling, Magistrate
14 Judge ordered defendant Power Ventures to appear on Wednesday, February 29, 2012, for a
15 further deposition pursuant to Fed.R.Civ.P. 30(b)(6). *Id.*

16 3. The parties jointly agree that in order to ensure that all of the other discovery that
17 Magistrate Judge Spero ordered be produced by Defendants is available for use with the
18 supplemental briefing ordered by this Court, the March 23 deadline should be extended an
19 additional one weeks. The brief extension should enable the parties to jointly resolve any
20 remaining issues, and provide more detailed supplemental briefs. Facebook and the Defendants
21 each therefore join in a Stipulated request to change the current deadline for filing supplemental
22 briefs to March 30, 2012.

23 **B. Previous Time Modifications**

24 4. This case schedule has been modified eleven times, the most recent of which was
25 by stipulation of the parties.

26 5. The original Case Scheduling Order was filed December 12, 2008. The initial
27 Case Management Conference in this case was scheduled for April 15, 2009. Subsequently, the
28 Court rescheduled the Case Management Conference for April 17, 2009. Thereafter, the parties

1 stipulated, and the Court ordered, to extend to the initial Case Management Conference to 45 days
 2 after the Court's ruling on the pending motion to dismiss. The Court subsequently rescheduled
 3 the Case Management Conference for January 29, 2010. The Court then rescheduled the Case
 4 Management Conference for August 20, 2010. The Case Management Conference was again
 5 rescheduled for August 23, 2010. Thereafter, the Court reset the Conference to August 24, 2010.
 6 On August, 19, 2010, the Court modified the original scheduling order. Subsequently on July 14,
 7 2011, the Court modified the original scheduling. On September 9, 2011 the Court again
 8 modified the original scheduling order and issued the current scheduling order in this case. On
 9 March 1, 2012, the Court granted the parties a one-week extension to permit Facebook to depose
 10 Power and to file supplemental briefing pursuant to this Court's February 16, 2012, Order
 11 Granting Facebook's Motions for Summary Judgment. On March 9, 2012, the Court granted the
 12 parties an additional two weeks, until March 23, 2012, to file supplemental briefing pursuant to
 13 this Court's February 16, 2012 Order Granting Facebook's Motions for Summary Judgment.

14 **C. Effect Of Requested Modification**

15 6. The requested time modification will not have any effect on other deadlines in this
 16 case.

17 I declare under penalty of perjury that the foregoing is true and correct to the best of my
 18 knowledge. Executed this 22nd day of March 2012 at Menlo Park, California.

21 By: /s/ Monte Cooper /s/
 22 MONTE COOPER